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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,417	01/26/2004	Hajime Yagi	045237-0128	4715
22428	7590	11/08/2005	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			MAKIYA, DAVID J	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/763,417

Applicant(s)

YAGI, HAJIME

Examiner

David J. Makiya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-6, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh (US Patent 5,574,443) in view of Nakamura (US Pub. 2002/0118282).

With respect to claims 1, 19, and 20, Hsieh teaches an outside mirror 14 for a vehicle comprising an image capturing unit CCD3 and a light emitting unit 23 wherein the light emitting unit is arranged within the mirror such that the visible light emitted does not directly enter into the image capturing unit (Figure 3). However, Hsieh fails to explicitly state the light-emitting unit is a visible-light emitting unit that emits visible light. Nakamura teaches an image-capturing unit 10 that emits both visible and infrared light (Paragraph 24). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Hsieh with the teachings of Nakamura, to include visible light, because using both visible and infrared lights would allow the device to operate under any ambient light condition.

The limitations of claims 2 and 4-6 are met by Hsieh as described in the previous Office Action.

Claims 3, and 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh and Nakamura as applied to claims 1-6 above, and further in view of Roberts et al. (US Patent 6,441,943).

With respect to claim 3, Hsieh and Nakamura teach the outside mirror vehicle wherein the visible light emitting unit includes a visible light distribution controller that controls distribution of visible light emitted within a predetermined range, however, it fails to teach the visible light distribution controller configured as a reflector or a prism. Roberts et al. teaches the use of a prism 2935 to control the visible light emitted within a predetermined range. It would have been obvious to one of ordinary skill at the time of the invention to modify the device described with the teachings of Roberts et al. because a prism diffuses light which distributes light over a greater area.

With respect to claims 7-18, the claims are rejected using the same modification of the Hsieh device with the teachings of Roberts et al. as described in the previous Office Action.

Response to Arguments

Applicant's arguments filed 21 October 2005 have been fully considered but they are not persuasive.

In regard to the applicant's arguments concerning the arrangement of the light emitter and the image-capturing unit, in Figure 3 of Hsieh, the light emitting unit and the image capturing unit are shown from a profile view. Because the light emitting unit and the image-capturing unit are parallel to each other, the figure teaches that the light could not directly enter the image-capturing unit. Therefore, Hsieh does meet the claim limitation that the light-emitting unit is arranged such that the light emitted does not directly enter into the image-capturing unit.

In response to applicant's argument regarding claim 4 that the light transmissive shield fails to act as a lens, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably

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distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In addition, Column 3, Lines 12-15 refers to a camera lens that also meets the limitations of the claim.

In response to applicant's argument regarding claim 6, "the system control circuit for controlling the actuation of the cameras" is a "mechanism" that can remotely tilt, or actuate, the image-capturing unit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Makiya whose telephone number is (571) 272-2273. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RENEE LUEBKE
PRIMARY EXAMINER